

REMARKS

This Amendment is in response to the Examiner's Advisory mailed on February 9, 2004. Claims 1-17 and 23 was canceled. Claims 18 is currently amended. Claims 18-22 and 24-27 are now pending.

Reconsideration is respectfully requested in view of the above amendments to the claims and the following remarks.

1. **Rejections Under 35 U.S.C. 102(a):**

The Examiner rejected claims 18-21 and 23-26 as being anticipated by Fodor et al. Applicants respectfully traverse the above rejection. As currently pending, claim 18 covers a solid support with an array of functionalized sites wherein a solution in an *amount of about 50 picoliter to 2 microliter* is separated from solutions at other functionalized sites by surface tension, and wherein the support surface of the functionalized site has a higher surface tension relative to the support surface surrounding the functionalized site. Fodor et al. does not disclose the use of such small volumes of solution to separate one solution from another. Therefore, Applicants respectfully request that the above rejection be withdrawn.

2. **Rejection Under 102(e):**

The Examiner next rejected claims 18-27 as being anticipated by Pirrung et al. Applicants respectfully traverse the above rejection for the same reasons discussed above. While, Pirrung et al discloses the use of a solid support with an array of functionalized sites, it does not disclose the use of a solution in an *amount of about 50 picoliter to 2 microliter* which is separated from other solutions at other functionalized sites by surface tension. As such, Applicants respectfully request that the above rejection be withdrawn.

3. Double Patenting:

The Examiner rejected claim 18-27 under the judicially created doctrine of obviousness-type double patenting over claims 1-4 of U.S. 5,985,551 (the '551 Patent'). Claim 1 of the '551 patent is as follows:

1. An array plate comprising a support surface comprising a covalently linked layer of inert siloxane wherein said covalently linked layer defines an array of 10 to 10^4 sites per cm^2 , which do not have said covalently linked layer, and which are about 50-2000 microns in diameter, and wherein chemical reactant solutions localize to said sites via surface tension.

The currently pending claims are distinct from claims 1-4 of the '551 patent as those claims do not recite the volume of solution in a functionalized site which is separated from other solutions at other functionalized sites. The volume limitation in the currently pending claims make these claims patentably distinct and not a genus to claims 1-4 of the '551 patent.

In order to expedite this applications to issuance, Applicants further submit a terminal disclaimer which disclaims the term of a patent issuing from this application which would extend the life of such patent beyond the expiration of the '551 patent.

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Amend. Dated August 20, 2004
Reply to Advisory Action of February 9, 2004

CONCLUSION

Applicants believe that they are entitled to a letters patent and respectfully solicit the Examiner to expedite prosecution of this patent to issuance. Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

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